

REMARKS

In the September 19, 2008 Office Action, claims 5-15, 17, and 19-39 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the September 19, 2008 Office Action, Applicant has amended claims 5-9 and 13, as indicated above. Thus, claims 5-15, 17, and 19-39 are pending, with claims 5-8 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Rejections - 35 U.S.C. § 103

In item 3 of the Office Action, claims 5-10, 21-23, and 38-39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2005-0153745 (Smethers) in view of U.S. Patent Publication No. 2004-0068458 (Russo). In item 4 of the Office Action, claims 11-13, 15, 19-20, and 24-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smethers in view of Russo, and U.S. Patent Publication No. 2004-0077340 (Forsyth). In item 5 of the Office Action, claims 14 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smethers in view of Russo, Forsyth, and International Patent Publication No. WO02/14976 (Hwang). In item 6 of the Office Action, claims 34-37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smethers in view of Russo and Hwang.

In response, Applicant has amended independent claims 5-8, as mentioned above.

More specifically, Applicant has amended claim 5 to recite allowing a service server to operate cooperatively with a contents provider, to classify the contents received from the contents provider based on the information within the service server, and to allocate a channel and a stack. The claim 5 also recites allowing the contents corresponding to the information set by the user to be pushed from the service server, and the pushed contents to

be displayed on an idle screen, while the display of the contents is based on a given template configuration.

In Smethers, when the position is determined, the hyperlink which is previously set is displayed in the idle screen directly and specifically set by the user. In contrast, claim 5 recites classifying the contents received from the contents provider based on the information within the service server. Smethers appears to be silent with regards to this arrangement, since Smethers does not disclose setting the information *regarding* the contents, and does not disclose that the contents in the service server are automatically classified and transmitted to the mobile terminal of the user to be displayed in the idle screen.

Further, the hyperlink in the Smethers appears to be not equivalent to the pushed information of the claimed invention, but to be the information set by the user. Applicant respectfully asserts that transmitting the related information when some hyperlink is selected is corresponding to *pulling* of the claimed invention.

Russo was cited in the Office Action to show that an idle screen includes screens divided in to a first region and a second region, that each of the divided screens has a display mode, and that the second screen region is provided with a menu. However, Applicant respectfully asserts that Russo is still silent with regards to the above mentioned arrangements.

Applicant respectfully asserts that the above mentioned arrangements are *not* disclosed or suggested by Smethers, Russo, Forsyth, Hwang, or any other prior art of record. Under U.S. patent law, the mere fact that the prior art can be modified does *not* make the modification obvious, unless an *apparent reason* exists based on evidence in the record or scientific reasoning for one of ordinary skill in the art to make the modification. See, KSR Int'l Co. v. Teleflex Inc., 127 S.Ct. 1727, 1741 (2007). The KSR Court noted that

obviousness cannot be proven merely by showing that the elements of a claimed device were known in the prior art; it must be shown that those of ordinary skill in the art would have had some “apparent reason to combine the known elements in the fashion claimed.” *Id.* at 1741. The current record lacks any apparent reason, suggestion or expectation of success for combining the patents to create Applicants’ unique arrangement of the method of controlling and operating resources.

As claims 6-8 similarly recites, Applicant respectfully asserts that claims 6-8 are also allowable for the same or similar reasons stated above.

Moreover, Applicant believes that dependent claims 9-15, 17, and 19-39 are also allowable over the prior art of record in that they depend from independent claim 5, 6, 7, or 8, and therefore are allowable for the reasons stated above. Also, the dependent claims 9-15, 17, and 19-39 are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does not disclose or suggest the invention as set forth in independent claims 5-8, the prior art of record also fails to disclose or suggest the inventions as set forth in the dependent claims.

Therefore, Applicant respectfully requests that this rejection be withdrawn in view of the above comments and amendments.

* * *

In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 5-15, 17, and 19-39 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

/ Akiyoshi Onda /
Akiyoshi Onda
Limited Recognition No. L0336

GLOBAL IP COUNSELORS, LLP
1233 Twentieth Street, NW, Suite 700
Washington, DC 20036
(202)-293-0444
Dated: January 21, 2009

S:\01-JAN09-AO\GK-US055009 Amendment.doc